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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: USA COMMERCIAL MORTGAGE COMPANY,	Debtor.	Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR
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In re: USA CAPITAL REALTY ADVISORS, LLC,	Debtor.	Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
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In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	Debtor.	Chapter 11
In re: USA CAPITAL FIRST TRUST DEED FUND, LLC,	Debtor.	Jointly Administered Under Case No. BK-S-06-10725 LBR

In re: USA SECURITIES, LLC,	Debtor.	STATUS AND AGENDA FOR DECEMBER 15, 2006 HEARINGS
Affects:		

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date: December 15, 2006
 Time: 9:30 a.m.

1. **Debtor's Application For Order Authorizing the Debtors To Retain And
 Employ Thomas J. Allison of Mesirow Financial Interim Management, LLC ("MFIM") As
 Chief Restructuring Officer Of The Debtors** filed by Debtors. The Debtors seek authorization
 to continue to employ MFIM pursuant to the terms of the Engagement Letter and Standard Terms

and Conditions.

Opposition Filed By:	Date	Docket No.
Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (Omnibus Response)	July 21, 2006	944

2. **Application By Debtor And Debtor-In-Possession For Authorization To Retain And Employ Schwartz & McPherson Law Firm As Counsel Under General Retainer** filed by Debtors. The Debtors seek authorization to continue to retain and employ the Schwartz & McPherson Law Firm as counsel under a general retainer agreement.

Opposition Filed By:	Date	Docket No.
McGimsey Family Trust	May 2, 2006	68 (BK-S-06-10727 docket)
US Trustee	May 12, 2006	222
US Trustee (Supplemental Opposition)	July 21, 2006	940
Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (Omnibus Response)	July 21, 2006	944
<u>Reply:</u>	<u>Date</u>	<u>Docket No.</u>
Reply Brief In Support Of Application By Debtor And Debtor-In-Possession For Authorization To Retain And Employ Schwartz & McPherson Law Firm As Counsel Under General Retainer	May 17, 2006	268

3. **Application To Employ And Retain Ray Quinney & Nebeker P.C. As Counsel For All Debtors** filed by Debtors. The Debtors seek authorization to continue to retain and employ Ray Quinney & Nebeker, P.C. as counsel under a general retainer agreement.

Opposition Filed By:	Date	Docket No.
McGimsey Family Trust	May 2, 2006	68 (BK-S-06-10727 docket)
US Trustee	May 12, 2006	221

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1	Official Committee of Equity Security	May 15, 2006	245
2	Holders of USA Capital First Trust Deed		
3	Fund, LLC		
4	US Trustee	July 21, 2006	940
5	(Supplemental Opposition)		
6	Official Committee of Equity Security	July 21, 2006	944
7	Holders of USA Capital First Trust Deed		
8	Fund, LLC		
9	(Omnibus Response)		
10	<u>Reply:</u>	<u>Date</u>	<u>Docket No.</u>
11	Reply Memorandum In Support Of Debtors'	May 17, 2006	264
12	Application To Employ And Retain RAY		
13	QUINNEY & NEBEKER P.C. As Counsel		
14	For The Debtors And Response To Various		
15	Objections [Applies To All Debtors]		

12 4. **Motion For Order Authorizing Continued Employment And Retention Of**
13 **Debtors' Professionals From December 15, 2006** (Docket No. 2008). An additional motion was
14 filed to mainly request the continued employment of Mesirow Financial, Ray Quinney & Nebeker,
15 P.C., and Schwartzer & McPherson Law Firm.

16	Opposition Filed By:	Date	Docket No.
17	None		

18 5. **Motion to Exclude Debtors From Having To File Inter-Company Claims**
19 **Against Each Other By The Bar Date, Or Alternatively For The Approval of the Immediate**
20 **Appointment of Special Counsel To File And Pursue The Inter-Company Debtor Claim** (the
21 "Inter-Company Claims Motion", Docket No. 1454/1469). The Inter-Company Claims Motion
22 requests that the Court exclude the Debtors from having to file inter-company claims against each
23 other by the Bar Date (or that the Bar Date be extended without date for the filing of these claims),
24 subject to the Debtors reporting to the Court at the October 19, 2006 hearing that all of the
25 intercompany claims have been fully resolved in a Plan with the full agreement of the Committees,
26 or, alternatively, if all intercompany claims are not fully resolved by October 19, 2006 with the
27 full agreement of the Committees, that the Court approve the immediate appointment of special
28 counsel for the USACM, FTD Fund and the Diversified Fund to file the inter-company claims at

the hearing set on this motion on October 30, 2006. The Inter-Company Claims Motion was heard on October 30, 2006. The Court has set a status hearing on this Motion for December 15, 2006.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC	October 20, 2006	1622
Committee of Holders of Executory Contract Rights Through USA Commercial Mortgage Company		
Official Committee of Unsecured Creditors		
Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC (Joint Response)		
<u>Reply Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
Debtors	October 26, 2006	1682

6. **Motion to Temporarily Allow Claim of Binford Medical Developers, LLC For Voting Purposes** (the “Binford Motion,” Docket No. 1927). The Binford Motion requests that this Court allow Binford Medical Developers, LLC’s claim in the amount of \$3,502,383.000 for voting purposes on the Plan.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
Debtors	December 11, 2006	2041
<u>Reply Filed By:</u>		
Reply In Favor of and Opposition to USA Commercial Mortgage Company's Objection to Motion to Temporarily Allow Claim of Binford Medical Developers LLC Filed by Susan Williams Scann on behalf of Binford Medical Developers, LLC	December 14, 2006	2091

7. **Motion to Temporarily Allow Claim of Copper Sage LLC For Voting Purposes** (the “Copper Sage Motion,” Docket No. 1928). The Copper Sage Motion allow Copper Sage Commerce Center, LLC’s claim in the amount of \$3,500,000.000 for voting purposes on the

1 Plan.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
2 None		

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4 8. **Motion For Approval of Procedures Regarding Assignment of Direct Lenders’**
5 **Interests** (the “Assignment of Interests Motion,” Docket No. 1805). USACM requests an order of
6 this Court approving the proposed rules and procedures set forth in the Assignment of Interests
7 Motion regarding USACM’s and any Asset Purchaser’s treatment and handling of notices of
8 assignments of beneficial interests in deeds of trust received from third parties, requests to change
9 account (aka legal vesting) names received from direct lenders, and similar situations involving
10 transfers or assignments of direct lenders’ interests in loans. The Assignment of Interests Motion
11 is set to be heard on December 19, 2006. However, it is set on the Court’s calendar for December
12 15, 2006 because the Court filed and entered an Order Setting Status Hearing for December 15,
13 2006. (Docket No. 2059). The Debtors intend on requesting that the Assignment of Interests
14 Motion be continued until January 3, 2007.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
15 Committee of Holders of Executory Contract Rights Through USA Commercial Mortgage Company	December 4, 2006	1926
16 Debt Acquisition Company of America V	December 5, 2006	1957
17 Hall Financial Group, Ltd.	December 5, 2006	1993
18 Dr. Stanley Alexander, et al. (Joinder in Opposition)	December 11, 2006	2019
<u>Reply Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
20 Debtors	December 11, 2006	2039

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22 **In re Tree Moss Partners, LLC, Case No. 06-13758**

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25 9. **Motion To Appoint Trustee Or Alternatively, Restricting The Debtor’s**
26 **Business Operations During The Gap Period** filed in Case No. 06-13758, In re Tree Moss
27 Partners, LLC. This Motion scheduled for hearing on shortened time, requests an order of the
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Court appointing an interim trustee, or alternatively, restricting the Debtor's business operations during the gap period between the commencement of this involuntary chapter 7 case and the entry of the order for relief herein.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
None		

USA Commercial Mortgage Company v. Wells Fargo, Adv. No. 06-01146

10. **Scheduling Conference Re: Amended Complaint For Interpleader** in adversary 06-1146 LBR consolidated with adversary 06-1167.

To be Heard at 1:30 p.m.

Binford Medical Developers, LLC v. USA Commercial Mortgage Company, Adv. No. 06-0212

1. **Motion For Preliminary Injunction For Release of Funds filed by Binford Medical Developers, LLC.** This Motion requests an order of this Court for a Preliminary Injunction to order Fidelity National Title Group to disburse the remaining funds, of approximately \$330,000.00 held in its construction control account set up for the proceeds of Binford's loan from USA Commercial Mortgage and its Direct Lenders to Binford.

<u>Opposition Filed By:</u>	<u>Date</u>	<u>Docket No.</u>
Debtor	December 14, 2006	24

DATED: December 14, 2006

/s/ Jeanette E. McPherson

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